

FREDERICK COUNTY LIQUOR BOARD
Public Meeting Minutes
Monday, July 11, 2016

Those Present:

Mr. Rick Stup, Board Chairman
Mr. Jesse Pippy, Board Member
Mrs. Maggi Hays, Board Member
Mrs. Linda Thall, Sr. Assistant County Attorney
Mrs. Kathy V. Dean, Administrator
Mr. Harold DeLauter, Alcoholic Bev. Inspector
Mr. Bob Shrum, Alcoholic Bev. Inspector
Mrs. Penny Bussard, Administrative Specialist V
Mrs. Ashley Sklarew, Administrative Specialist V

A Public Meeting was held at 12 E. Church Street, Frederick, Maryland, and was called to order at 9:00 AM by Chairman Stup.

- 1. Liquor Board Comments-** Mr. Stup welcomed Mr. Pippy to the Liquor Board.
- 2. Election of Board Chair-** Mrs. Hays nominated Board member Mr. Stup as Chairman for the Board of the License Commissioners for Frederick County.

MOTION: Mrs. Hays made motion to nominate Mr. Stup for Board chair.

SECOND: Mr. Pippy second the motion

FURTHER DISCUSSION ON THE MOTION:
There was no further discussion on the motion.

VOTE: Mr. Stup-Aye
Mrs. Hays-Aye
Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

3. Decision Required: New License

RE: Ype Von Hengst, Gregory Holson
For the use of Silver Diner Frederick LLC
t/a Silver Diner
5120 Buckestown Pike BLDG3
Frederick, MD 21704
Class B Beer, Wine and Liquor License

Ms. Dean swore in the Applicants, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated this is an application for a new license. The pending items needed are Naturalization form duplicate copy, Trader's license and the inspector's report. Mr. Stup accepted the passport and application of naturalization duplicate paperwork. Mrs. Dean stated that there were prior violations in Montgomery County. Mrs. Linda Carter, attorney for the licensees, addressed the violations in Virginia and Montgomery County. Mrs. Carter stated that the applicants take violations and alcohol responsibilities very seriously, and it was for this reason that Mr. Von Hengst chose Mr. Holson to manage his restaurant, because he has a reputation for turning around troubled restaurants and bring them up to excellence. Mr. Greg Holson, manager for Silver Diner, stated there has been increased training for the staff to keep a good log book, checking ID's and checking for signs of intoxication is an important part of the Silver Diner training. Mr. Stup stated that he had a lot of concerns. Mr. Holson stated that all management has been tips certified and three out of the five bartenders are certified, but all bartenders will be trained and certified. Mr. Holson stated all patrons get carded. Mr. Holson stated they do not accept vertical identification and all his staff are 18 years of age and serving is 21 years of age. There is a no tolerance for staff that breaks the Silver Diner rules on alcohol and immediate termination will follow. Mrs. Thall asked if the inspector has been to the location to inspect. Inspector DeLauter stated that he had been out to inspect on Tuesday, June 28, 2016 at 1:38 pm and the establishment met all the requirements of the Liquor Board. Mrs. Thall asked what the status was on the Trader's license. Mrs. Carter stated that the Board would get the copy of the license by the end of the day. Mr. Pippy stated that he was impressed with how prepared Silver Diner was with having a plan in place. Mrs. Hays asked if this new location was the prior Mimi's restaurant. Mr. Stup stated he didn't see an application for entertainment. The applicants stated that they do not have live music, they only plan on playing background music. Mr. Stup stated that the licensees need to complete an application for entertainment for background music. Mrs. Carter presented the Board with a plan of the Diner's menu, restaurant layout and history of the restaurant. Mrs. Hays asked if the Diner has a group room for private events.

MOTION: Mr. Pippy made a motion to grant conditional approval until 08/22/16. The applicant is subject to their application and their testimony. The conditional approval is subject to the applicant obtaining pending permit items.

SECOND: Mrs. Hays seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye

Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

4. Decision Required: New License

RE: Martin Posse
For the use of Skaure Burger Corporation
t/a Skaure Burger
18 Market Space
Frederick, MD 21701
Class B Beer, Wine and Liquor License

Ms. Dean swore in the Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated this is a new application with the following pending items needed: Fire Marshal Report, Health Department Report, and Alcohol Awareness Certificate. Mrs. Thall asked the applicant about the status of the pending items. The applicant stated that he called the Fire Marshal twice and he is waiting for them to get in contact with him. The applicant stated the health department has to complete final inspection once all equipment is installed. The applicant stated that he passed the Alcohol Awareness Training. Mrs. Thall asked the applicant if he had everything in place for the final inspection by the Health Department. The applicant stated once the equipment arrives and is installed this week then the Health Department will be out to do the final inspection within the next 2 weeks from today's date. Mrs. Thall asked Inspector Shrum if he had inspected the establishment. Inspector Shrum stated that he inspected the establishment on July 1, 2016 at 11:00 am and the establishment meets all the requirements of the Liquor Board. The applicant stated that all the managers on staff will be alcohol certified. Mrs. Hays asked how many people would be certified. The applicant stated 3 people. Mr. Stup stated that the applicant needs to amend his application for the hours of operation to open the restaurant no earlier than 11 am on Sundays. Mr. Pippy asked about amount time the applicant will spend at his restaurant. The applicant plans to spend 60% of his time at his restaurant.

MOTION: Mrs. Hays made a motion to grant conditional approval until August 22, 2016 to obtain pending permit items. The applicant is subject to their application and their testimony. The conditional approval is subject to the applicant obtaining pending permit items.

SECOND: Mr. Pippy seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye

Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

5. Decision Required: Transfer/ Upgrade

RE: Andrea Tauraso
For the use of Pit Boss MSF Inc.
t/a Black Hog III
221 Shorebird Street Unit A
Frederick, MD 21701
Class B Beer, Wine and Liquor License

Ms. Dean swore in the Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated this is a transfer from Beer and wine to full service bar also removing and adding a new licensee to the current license, pending Fire Marshal, Health Department, Occupancy Permit and the Inspector's final inspection. Mrs. Thall asked if the building is under construction. The licensee stated they have to shut down the establishment for 7 days to build the bar. When they re-open they will still only serve beer and wine until the bar is complete. The applicant stated the expected target date to open is Wednesday, September 7, 2016, but he may need to extend it by a week until September 11, 2016. Mrs. Thall asked Inspector Shrum if he had been out to the establishment to inspect. Inspector Shrum stated that he was at the establishment on July 2, 2016 at 10:00 pm and the licensee is in compliance with their license. He spoke with the licensee and will return once the bar is complete. Mr. Pippy asked the licensee if he believes that the construction will be complete by August 22, 2016. Mr. Stup asked Inspector Shrum if there were any changes in the outside seating. Inspector Shrum stated the seating will remain the same. Mr. Stup asked the Board if they had any further questions for the licensee.

MOTION: Mrs. Hays made a motion to grant conditional license approval until September 26, 2016. The applicant is subject to their application and their testimony. The conditional approval is subject to the applicant obtaining pending permit items.

SECOND: Mr. Pippy seconded the motion.

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye

Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

6. Decision Required: Transfer License

RE: Brenda Hopkins
For the use of Pit Boss Urbana, Inc.
t/a Black Hog II
3325 Worthington Blvd
Ijamsville, MD 21754
Class B Beer, Wine and Liquor License

Ms. Dean swore in the Applicant, witnesses and anyone who wanted to testify (see sign in sheet). Mrs. Dean stated this is a transfer of an existing location. Mr. Musleman is moving out of the area and he is being replaced with Brenda Hopkins. Everything has been completed except the Fire Marshal Inspection and the Inspector's final report. Mrs. Thall asked about the pending items. The licensee stated that he needed to update the fire extinguisher and exit sign in the establishment. Mrs. Thall asked Inspector DeLauter if he had been out to inspect the establishment. Inspector DeLauter stated that he inspected the establishment on July 8th at 7:26 pm and the establishment met all requirements. Mr. Stup stated that the application did not have a floor, security, or entertainment plan. Mr. Stup asked the licensee if anything has changed. The licensee assured the Liquor Board that he would have the plans to the Board by the end of the day. Mr. Stup asked if the Board had any questions. Mr. Pippy asked if any upgrades would be done like Black Hog II. The licensee stated they were just switching licensees.

MOTION: Mr. Pippy made a motion to approve the application on a conditional basis until August 22, 2016.

SECOND: Mrs. Hays second the motion

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye

Mr. Pippy-Aye

The vote was unanimous **Aye-3, Nays-0**
(Motion Passed)

7. Staff minutes – Minor corrections were given to Ashley for content.

MOTION: Mrs. Hays made a motion to accept minutes from October 26, 2015 for the Staff and Public Meeting.

SECOND: Mr. Stup second the motion

FURTHER DISCUSSION ON THE MOTION:

There was no further discussion on the motion.

VOTE: Mrs. Hays-Aye

Mr. Stup-Aye

Mr. Pippy-(abstained from voting)

The vote was unanimous **Aye-2, Nays-1**
(Motion Passed)

Close Meeting Session requested by Mr. Stup – Mr. Stup requested a closed meeting to discuss organizational issues. The Board will decide on meeting for a closed session on July 19, 2016 at 9:00 am.

Meeting Adjourned

Respectfully submitted,

Kathy Dean, Administrator
FREDERICK COUNTY LIQUOR BOARD

Prepared by Kendra Parker

